

(5) Increasing transparency from electric vehicle manufacturers about where the critical materials for the batteries in electric vehicles are extracted and processed.

SA 1580. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 3111, strike paragraphs (1) and (2) and insert the following:

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives.

In section 3115(c), strike “, in consultation with” and insert “and”.

In section 3116(a), insert “and the Assistant Secretary for the Office of International Affairs of the Department of Energy” after “through the Assistant Secretary for Energy Resources”.

In section 3209(c)(2), strike “and the Secretary of Treasury” and all that follows through “, as applicable” and insert “, the Secretary of the Treasury, and the Secretary of Energy shall each appoint, from within their respective departments at the level of GS-14 or higher, liaisons between the Office and the Department of Commerce, the Department of the Treasury, or the Department of Energy, as applicable”.

SA 1581. Mr. MANCHIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4252(a) and insert the following:

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

“Subtitle C—Declaration of a Significant Incident

“SEC. 2231. SENSE OF CONGRESS.

“It is the sense of Congress that—

“(1) the purpose of this subtitle is to authorize the Secretary to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and

“(2) the authorities established under this subtitle are intended to enable the Secretary

to provide voluntary assistance to non-Federal entities impacted by a significant incident.

“SEC. 2232. DEFINITIONS.

“For the purposes of this subtitle:

“(1) **ASSET RESPONSE ACTIVITY.**—The term ‘asset response activity’ means an activity to support an entity impacted by an incident with the response to, remediation of, or recovery from, the incident, including—

“(A) furnishing technical and advisory assistance to the entity to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

“(B) assessing potential risks to the critical infrastructure sector or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

“(C) developing courses of action to mitigate the risks assessed under subparagraph (B);

“(D) facilitating information sharing and operational coordination with entities performing threat response activities; and

“(E) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

“(2) **DECLARATION.**—The term ‘declaration’ means a declaration of the Secretary under section 2233(a)(1).

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.

“(4) **FEDERAL AGENCY.**—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 3502 of title 44, United States Code.

“(5) **FUND.**—The term ‘Fund’ means the Cyber Response and Recovery Fund established under section 2234(a).

“(6) **INCIDENT.**—The term ‘incident’ has the meaning given the term in section 3552 of title 44, United States Code.

“(7) **RENEWAL.**—The term ‘renewal’ means a renewal of a declaration under section 2233(d).

“(8) **SECTOR RISK MANAGEMENT AGENCY.**—The term ‘Sector Risk Management Agency’ has the meaning given the term in section 2201.

“(9) **SIGNIFICANT INCIDENT.**—The term ‘significant incident’—

“(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

“(i) the national security interests, foreign relations, or economy of the United States; or

“(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

“(B) does not include an incident or a portion of a group of related incidents that occurs on—

“(i) a national security system (as defined in section 3552 of title 44, United States Code); or

“(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

“SEC. 2233. DECLARATION.

“(a) IN GENERAL.—

“(1) **DECLARATION.**—The Secretary, in consultation with the National Cyber Director and the heads of Sector Risk Management Agencies, may make a declaration of a significant incident in accordance with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that—

“(A) a specific significant incident—

“(i) has occurred; or

“(ii) is likely to occur imminently; and

“(B) otherwise available resources, other than the Fund, are likely insufficient to re-

spond effectively to, or to mitigate effectively, the specific significant incident described in subparagraph (A).

“(2) **PROHIBITION ON DELEGATION.**—The Secretary may not delegate the authority provided to the Secretary under paragraph (1).

“(b) **ASSET RESPONSE ACTIVITIES.**—Upon a declaration, the Director shall coordinate—

“(1) the asset response activities of each Federal agency in response to the specific significant incident associated with the declaration; and

“(2) with the heads of appropriate Sector Risk Management Agencies and appropriate entities, which may include—

“(A) public and private entities and State and local governments with respect to the asset response activities of those entities and governments; and

“(B) Federal, State, local, and Tribal law enforcement agencies with respect to investigations and threat response activities of those law enforcement agencies; and

“(3) Federal, State, local, and Tribal emergency management and response agencies.

“(c) **DURATION.**—Subject to subsection (d), a declaration shall terminate upon the earlier of—

“(1) a determination by the Secretary that the declaration is no longer necessary; or

“(2) the expiration of the 120-day period beginning on the date on which the Secretary makes the declaration.

“(d) **RENEWAL.**—The Secretary, without delegation, may renew a declaration as necessary.

“(e) **PUBLICATION.**—

“(1) IN GENERAL.—Not later than 72 hours after a declaration or a renewal, the Secretary shall publish the declaration or renewal in the Federal Register.

“(2) **PROHIBITION.**—A declaration or renewal published under paragraph (1) may not include the name of any affected individual or private company.

“(f) **ADVANCE ACTIONS.**—

“(1) IN GENERAL.—The Secretary—

“(A) shall assess the resources available to respond to a potential declaration; and

“(B) may take actions before and while a declaration is in effect to arrange or procure additional resources for asset response activities or technical assistance the Secretary determines necessary, which may include entering into standby contracts with private entities for cybersecurity services or incident responders in the event of a declaration.

“(2) **EXPENDITURE OF FUNDS.**—Any expenditure from the Fund for the purpose of paragraph (1)(B) shall be made from amounts available in the Fund, and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purpose.

“SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.

“(a) IN GENERAL.—There is established a Cyber Response and Recovery Fund, which shall be available for—

“(1) the coordination of activities described in section 2233(b);

“(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and public and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—

“(A) vulnerability assessments and mitigation;

“(B) technical incident mitigation;

“(C) malware analysis;

“(D) analytic support;

“(E) threat detection and hunting; and

“(F) network protections;

“(3) as the Director determines appropriate, grants for, or cooperative agreements